

REMARKS

The Office Action dated October 31, 2007, has been received and carefully considered. Claims 1-25 are pending in the application. Claims 1, 8, 22, and 25 have been amended. Claims 1 and 22 have been amended to address an antecedent issue. Claims 1, 8, 22, and 25 have been amended to further clarify the claim language. No new matter has been added. Reconsideration of the outstanding rejections is respectfully requested.

A. Rejection of Claims 1-25 under 35 U.S.C. 112, 2nd Paragraph

The Office Action rejects claim 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action recites that:

6. Independent claims 1 and 22 contain the phrase “the recipient” in lines 5 and 13, respectively. There is insufficient antecedent basis for these limitations in these claims.
7. Claims 1, 8, 22 and 25 recite the term “possible” in reference to recipient of leads. It is unclear whether this term is used to convey whether the recipient is **capable** of receiving leads or whether the recipient is a **potential** receive of leads.
8. Claims 2-21 and 23-24 are rejected based on their dependency to the rejected claims.

Office Action, p.2. Claims 1 and 22 are amended to provide proper antecedent basis for the phrase “the recipient.” Claims 1, 8, 22, and 25 are amended to replace the term “possible” with the term “potential.” Please note that the undersigned representative believes that the term “possible” is definitive, however to advance the prosecution of this application, the claims have been amended. Withdrawal of the rejection of claims 1, 8, 22, and 25 is requested.

B. Claims 1-4, 6, 7, 12-14, & 19-23 Rejected under 35 U.S.C. 102(e)

Claims 1-4, 6, 7, 12-14 and 19-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,850,895 to Brodersen *et al.* (“Brodersen”). This rejection is traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. As stated in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Brodersen does not disclose “A method for distributing sales leads, the method comprising: inputting a sales lead, having lead information, to a lead processing portion; performing a decisioning process relating to assignment of the sales lead, the decisioning process determining a recipient of the sales lead for working the sales lead, wherein at least a call center is included in the decisioning process as a potential recipient; and outputting information regarding the sales lead from the lead processing portion to the recipient of the sales lead for access and working of the sales lead by the recipient” as recited in claim 1 of the present application. (Emphasis added).

The Office Action asserts that Brodersen discloses that a call center is included in the decisioning process as a potential recipient. Specifically, the Office Action asserts that:

- performing a decisioning process relating to assignment of the sales lead, the decisioning process determining the recipient of the sales lead for working the sales lead, wherein at least a call center is included in the decisioning process as a possible recipient; (Figure 1: Brodersen teaches a call center (“Siebel Call Center” - top left hand corner) and Assignment rules; col. 2; lines 57-65: “assignment manager method”. Giving this claim the broadest reasonable interpretation, the Examiner is applying the art of Brodersen’s “Assignment Manager” that performs matching of tasks to individuals or teams of individuals (which can also be interpreted as a call center) based on assignment rules and criteria. As disclosed in the Figures, the Siebel Call Center is the environment of the decisioning process and thereby a recipient of tasks (leads).)

Office Action, p. 3. Figure 1 of Brodersen includes the phrase “Siebel Call Center” in a screenshot. Brodersen does not elaborate on this phrase. Displaying the words “call center”

does not disclose that the call center is considered a potential recipient of the a sales lead. The figures in Brodersen do not disclose that “wherein at least a call center is included in the decisioning process as a potential recipient.” The other asserted section of Brodersen asserts that:

The assignment manager method and system of our invention matches resources, such as employees and employee skill sets, with needs. This is carried out in a "Rule Based" system within a constrained environment. Resources, such as employees, are matched with constraints, such as skill sets, employee product expertise, language skills. Constraints include, among others, workload, employee availability, limitations on employee skill sets and product expertise, employee language skills, among others.

Brodersen, Col. 2, ll. 57-65. This asserted section discloses an assignment manager that matches resources such as **employees** with needs. Nothing in this asserted section discloses the the potential of a call center being a potential recipient of a sales lead as recited in claim 1 of the present application. In fact, the only disclosure of a call center in Brodersen (outside of the figures containing “Siebel Call Center” in screenshots) is in column 11, lines 43-45 which recites “These views are both accessible by the System Administrator, Customer Service Manager and Call Center Administrator responsibilities.” Thus, Brodersen does not disclose a call center being a potential recipient of a sales lead.

Moreover, Figure 4 of Brodersen includes an exemplary list of “Assignment Rule Employees” and none of the exemplary listed names include a call center as a potential assignee. With respect to Figure 4, Brodersen further recites that “FIG. 4 illustrates the ‘Assignment Employees’ view, **41**, and enumerates available employees for assignments, **41a**. This view lists all employees who are valid assignees for the given assignment rule.” *Brodersen*, Col. 10, ll. 49-53. Hence, Brodersen only discloses assigning leads to employees.

Although an Examiner may apply the broadest reasonable interpretation of a claim, “The broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. *In re Cartright*, 165 F.3d 1253, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir 1999).” *MPEP 2100*. Even if one of ordinary skill in the art was to apply the broadest interpretation of claim 1, such a person would not conclude that Brodersen discloses a call center as being a potential recipient of a sales lead. Brodersen fails to disclose this limitation either “expressly or inherently” See *Verdegaal Bros.* at 1053.

Moreover, the Office Action’s assumption that “The decisioning process is the role undertaken by Brodersen’s ‘Assignment Manager’ that performs matching of tasks to individuals or teams of individuals (which can also be interpreted as a call center) based on assignment rules and criteria.” is unsupported by Brodersen. *Office Acton*, p. 3. Brodersen does not disclose matching of tasks to **teams** of individuals, thus the interpretation that teams of individuals can be interpreted as a call center is unsupported. Brodersen fails to expressly or inherently disclose such an interpretation.

As a result, the Office Action fails to present a *prima facie* case of anticipation since Brodersen fails to disclose each and every element of claim 1. Thus, claim 1 of the present application is not anticipated by Brodersen. Therefore, claims 2-21 are patentable over the applied art because they depend on allowable claim 1.

Regarding claim 2, Brodersen fails to disclose “wherein the sales lead is one of a plurality of sales leads, and wherein the decisioning process further includes: determining that at least a portion of the sales leads is to be assigned to a call center; and associating leads in the plurality of leads, which are to be assigned to a call center, with a wave number, the wave number determining the order in which each sales lead in the plurality of sales leads is assigned” as

recited in claim 2 of the present application. The Office Action asserts column 12, lines 2-13 as disclosing the wave number limitation of claim 2. The asserted section recites:

The assignment engine may be called with any of the following parameters (some of these parameters may not be passed to the engine, but may just be attributes of the task): Object ID, Batch ID (any object with the specified batch number), Assignment Set (single, all unassigned, all), Object Type, Earliest Date/Time (for the earliest date and time that an employee must have calendar availability for the task), Latest Date/Time (for the latest date and time that an employee must have calendar availability for the task), Duration.

Brodersen, Col. 12, ll. 2-13. This asserted section discloses the use of a “Batch ID” and does not elaborate on how the Batch ID works. For example, the Batch ID can be associated with the time that the lead was received. In contrast, claim 2 recites that leads are associated with wave numbers with the wave numbers determining the order in which leads are assigned. Thus, the leads in claim 2 of the present application are assigned based on the associated wave number and not when they are received. Thus, *Brodersen* does not disclose each and every limitation of claim 2.

Regarding claim 6, *Brodersen* does not disclose “assigning sales leads in a first wave to a respective recipient; and subsequently assigning sales leads in a second wave to a respective recipient” as recited in claim 6 of the present application. Claim 6 is patentable over *Brodersen* since claim 6 is dependent on claim 2. In addition, *Brodersen* does not disclose assigning leads that are assigned to a first wave and subsequently assigning leads in a second wave. The Office Action asserts that column 7, lines 56-57 of *Brodersen* disclose the limitations of claim 6. Column 7, lines 65-67 discloses that “The Assignment Manager application may be invoked automatically, as in being scheduled to occur on a periodic basis ...” Assigning leads in waves in which the leads are assigned to waves is not the same as processing leads on a periodic basis. Specifically, the difference is that in claim 6, the leads are assigned to waves with the waves being acted upon at different times which differs from the leads themselves being processed on a

periodic basis - the leads in Brodersen are processed based on reception and not based on the assigned wave. Thus, Brodersen fails to disclose each and every element in claim 6.

Regarding claim 3, Brodersen does not disclose “wherein the wave number is associated to each sales lead based on at least one of age of the sales lead, lead type, and endorsement status of the sales lead” as recited in claim 3 of the present application. The Office Action asserts that column 12, lines 2-5 discloses the limitations of claim 3. The asserted section recites “The assignment engine may be called with any of the following parameters (some of these parameters may not be passed to the engine, but may just be attributes of the task): Object ID, Batch ID (any object with” Brodersen, col. 12, ll. 2-5. The asserted section only recites the use of a Batch ID but does not elaborate on how it is used. Specifically, Brodersen does not disclose that “the wave number is associated to each sales lead based on at least one of age of the sales lead, lead type, and endorsement status of the sales lead” as recited in claim 3 of the present application. (Emphasis added). Thus, Brodersen fails to disclose each and every element in claim 3.

Regarding claim 4, Brodersen does not disclose “wherein the wave number is associated to each sales lead based on at least lead type, the lead type being one of a new lead and a previously worked lead” as recited in claim 4 of the present application. The Office Action asserts that column 7, lines 65-67 discloses the limitations of claim 4. The asserted section recites “The Assignment Manager application may be invoked automatically, as in being scheduled to occur on a periodic basis ...” *Brodersen*, Col. 7, ll. 65-67. Invoking an Assignment Manager on a periodic basis differs from associating a wave number based on the lead type. Thus, Brodersen fails to disclose each and every element in claim 4.

Regarding claim 12, Brodersen does not disclose “wherein sales agent processing is included in the decisioning process, in addition to a call center; and wherein the decisioning

process determines that the sales lead is to be processed by sales agent processing” as recited in claim 12 of the present application. As recited above with respect to claim 1, Brodersen does not disclose having a lead assigned to a call center, nor does Brodersen disclose having a lead processed by sales agent processing. Brodersen only discloses employees being assigned leads. Thus, Brodersen fails to disclose each and every element in claim 12.

Regarding claim 22, claim 22 contains similar limitations recited in claim 1, thus claim 22 is patentable over Brodersen for the same reasons recited above with respect to claim 1. Specifically, Brodersen does not disclose “a call center, the call center being included in the decisioning process as a potential recipient; and an agent processor in communication with an agent, the agent being included in the decisioning process as a possible recipient” as recited in claim 22 of the present application. As recited above, Brodersen only discloses employees being assigned and does not disclose that a call center can receive a potential lead. Similarly, Brodersen does not disclose that an agent process can receive a potential lead.

Regarding claim 23, this claim recites similar limitation as claim 2, thus claim 23 is allowable for the same reasons, as well as being dependent on allowable claim 22.

For at least these reasons, independent claims 1 and 22, as well as dependent claims 2-21, 23, and 24, respectively, are patentable over the applied art. Withdrawal of the rejection of claims 1-4, 6, 7, 12-14 and 19-23 is requested.

C. Rejection of Claim 5 under 35 U.S.C. 103(a)

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen. Since claim 5 is dependent on allowable independent claim 1, dependent claim 5 is allowable for the same reasons asserted above with respect to claim 1. Therefore, the undersigned representative will not address the arguments with respect to claim 5 and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claim 5 is requested.

D. Rejection of Claims 8-11, 24 & 25 under 35 U.S.C. 103(a)

Claims 8-11, 24, and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Patent 5,390,243 to Casselman *et al.* ("Casselman"). Since claims 8-11 and 24 are dependent on allowable independent claims 1 and 22, respectively, and since Casselman does not cure the deficiencies of Brodersen with respect to claims 1 and 22, dependent claims 8-11 and 24 are allowable as well. Regarding independent claim 25, since this claim contains similar limitations as argued above with respect to independent claim 1, the same arguments apply to independent claim 25. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 8-11, 23, and 25 is requested.

E. Rejection of Claims 15-18 under 35 U.S.C. 103(a)

Claims 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Patent 6,850,895 to Melchione *et al.* ("Melchione"). Since claims 15-18 are dependent on allowable independent claim 1 and since Melchione does not cure the deficiencies of Brodersen with respect to claim 1, dependent claims 15-18 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 15-18 is requested.

F. Provisional Double Patenting Rejection

Claims 1-25 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of Application No. 10/602,592, claims 1-20 of Application No. 10/602,593, claims 1-20 of Application No. 10/602,594, and claims 1-29 of Application No. 10/602,923.

The undersigned representative acknowledges this rejection and will submit a terminal disclaimer when the present claims are in condition for allowance, if deemed necessary at that time.

CONCLUSION

The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed October 31, 2007, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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